

## BOSTON BOROUGH COUNCIL

### Planning Committee - 29 May 2018

Reference No: B/17/0121

Expiry Date: 28-Jun-2017

Application Type: Full Planning Permission

Proposal:

1. Erection of two apartment blocks, one fronting John Adams Way and the other fronting Whitehorse Lane, Boston
2. Erection of one dwelling attached to the north gable of 82 High Street, Boston
3. Conversion of Haven Wharf warehouse to provide 21 flats plus side extension
4. Relevant demolition in a conservation area including the demolition of outbuilding to the rear of 78 High Street Boston, an industrial building attached to the south elevation of Haven Wharf Warehouse and buildings nos 1, 2 and 3

Site: Land south of the A16, John Adams Way, east of High Street and north of Whitehorse Lane (known as Haven Wharf) , Boston

Applicant: Hanseatic Developments Ltd

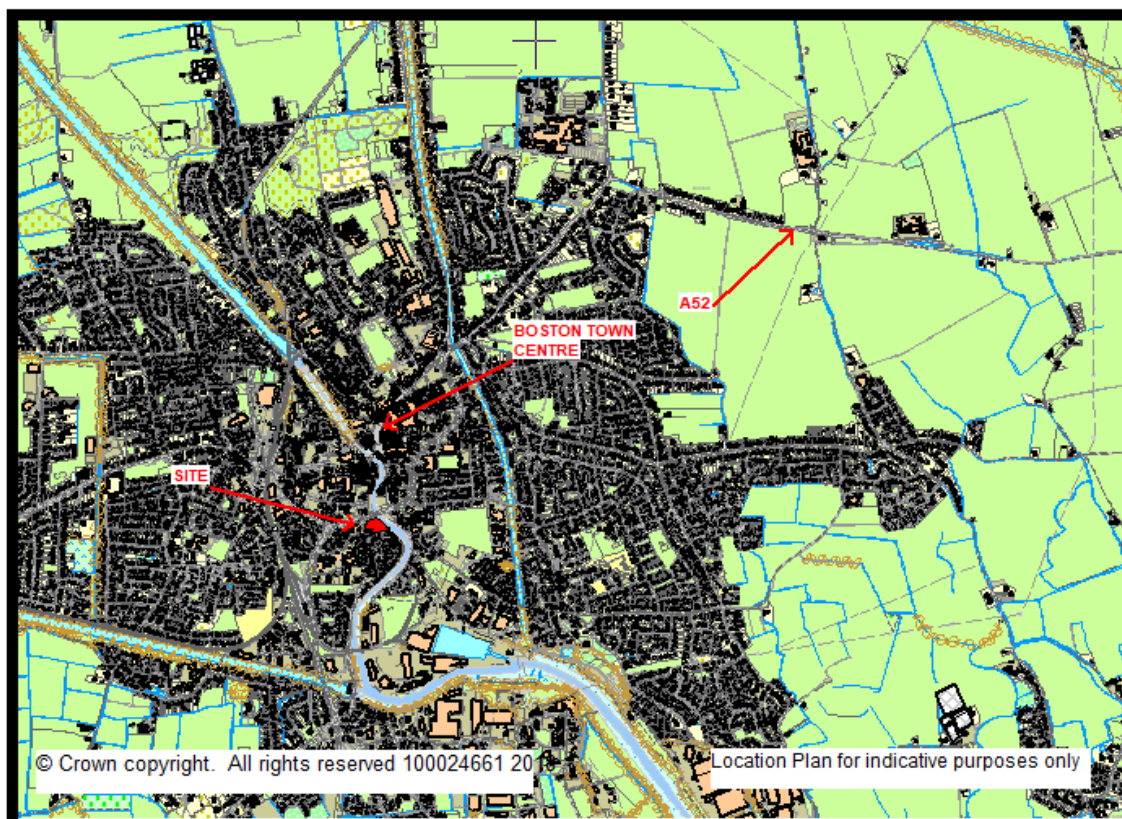
Ward: Skirbeck

Parish: Boston Town Area Committee

Case Officer: Trevor Thompson

Third Party Reps: 2

**Recommendation: GRANT**



## **1.0 REASON FOR REPORT**

- 1.1 This application is referred to Committee having regard to the planning history of the site and because the application raises issues of strategic significance to Boston and its Conservation Area.

## **2.0 PROPOSAL AND BACKGROUND**

- 2.1 The application site is located within the Boston Conservation Area and covers 0.49ha. It is immediately to the south of Haven Bridge and next to The Haven. The site also partly fronts onto High Street to the west and Whitehorse Lane to the south. The site includes a number of existing buildings including a large warehouse. Parts of the site are vacant and parts are currently being used for commercial purposes.
- 2.2 There are a number of listed buildings within the vicinity of the site at nos 76, 84, 88 & 90 High Street. All of these buildings are Grade II. There are also other listed buildings on the opposite side of the river at South Square, South End and further north along High Street on the opposite side of the bridge.
- 2.3 This application was submitted in March last year and has been subject to extensive discussions with the applicant in order to overcome objections and concerns raised by various consultees relating to the original scheme and to ensure consistency with the submitted details. A significant number of amended plans and documents have been submitted over the past 14 months. The application has been submitted following the refusal of a scheme for a mixed use development including residential, café and gym in 2015 (ref B/15/0140).
- 2.4 The applicant says that the submitted scheme has been designed and influenced in conjunction with the report carried out by Colliers International. This report was commissioned by this Council and Historic England following the refused application. The details and conclusions reached in this report are discussed below.
- 2.5 There are two components to the application, one part relating to the demolition of buildings in the Boston Conservation Area and the remaining part relating to the construction of two apartment blocks, one dwelling and the conversion of the existing warehouse. All of the buildings to be removed are unlisted but their location within the Conservation Area means that specific consent, in the form of permission for 'Relevant Demolition' - formerly Conservation Area Consent - is required.
- 2.6 The proposed buildings to be demolished are:
- L shaped two storey white painted building adjacent to the Haven Bridge with attached metal corrugated side wing
  - Single storey brick building on the north side of Whitehorse Lane and attached open ended metal storage buildings
  - Metal side extension to warehouse building adjacent to Whitehorse Lane
  - Various minor walls within the site and gates fronting High Street.
- 2.7 The proposed conversion and new buildings will provide 61 market dwellings and will consist of:
- Block A- this 4 storey building will be constructed next to John Adams Way and Haven Bridge. It will provide 18 dwelling units.

- Block B- Part of this block is three storey and the remaining part is 4 storey and will be constructed next to Whitehorse Lane. It will provide 19 dwelling units
- Block C- This two storey single dwelling house is to be attached to 82 High Street ( a non listed building) fronting the road and will be located next to the vehicular access that will serve this development
- Warehouse conversion plus extensions. It is proposed to convert the existing warehouse (which is not a listed building) to provide 23 dwelling units. It is also intended to provide a three storey extension to the side (west) of the existing warehouse.

2.8 The details of each element of this application are discussed below.

2.9 Vehicular access to and from the site will be via the existing access onto High Street, between nos 78 and 82 High Street though, as indicated, it is intended to erect a dwelling (block C) which will be attached to 82 High Street, which will reduce the existing access width.

2.10 The application is accompanied by:

- Flood risk assessment – April 2018
- Parking strategy April 2017 rev A
- Air quality assessment September 2017
- Design and Access Statement
- Heritage Impact Assessment
- Structural Report
- Assessment of Significance.
- Addendum to the Transport Assessment

2.11 Works are currently being undertaken on the warehouse building which are subject to the Historic England PSICA grant aided scheme. The works at Haven Wharf are aimed at making the building wind and watertight to prevent any further deterioration of the fabric while the scheme for the re-development of the building is progressed. This includes repairs to the roof, rainwater goods, structural flooring and boarding of window and door openings. The specification of works was based on a structural survey of the building prepared on behalf of the owners by Boston Borough Council and Historic England.

2.12 Note: Despite following extensive discussions with the applicant/agent over the last 14 months to ensure consistency between the submitted plans, there remain a number of anomalies. These errors are not substantial and would not prejudice the determination of this application. Appropriate conditions can be imposed to ensure corrected drawings are submitted before appropriate work commences should permission be granted.

### **3.0 RELEVANT HISTORY**

3.1 In 2015 an application was submitted for the demolition of various buildings on this site, including the large existing warehouse plus the erection of:

3.2 One, seven storey block containing 40 apartments and Class A3 cafe premises

One, seven storey block containing 35 apartments and Class D2 gym premises.

One, three storey terraced block containing 3 dwellings fronting Whitehorse Lane

One, three storey four bedroom dwelling attached to the north gable of No. 82 High Street.

3.3 This application was refused for the following reasons:

1. The proposed demolitions on the site will have a harmful effect upon the settings of listed buildings within the Boston Conservation Area and will fail to preserve or enhance the character or appearance of the conservation area contrary to s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in that no case has been made to support demolition of the warehouse buildings adjacent to the tidal River Witham (The Haven) and their loss would amount to substantial harm contrary to paragraphs 132 and 133 of the National Planning Policy Framework 2012.
2. The proposed replacement buildings have failed to demonstrate good design and will have harmful effects upon the settings of listed buildings and will fail to preserve or enhance the character or appearance of the conservation area by reason of their design, height appearance and use of materials which do not take account of the prevailing character of the conservation area, the context of their development or the historical associations with this riverside location contrary to saved Local Plan Policies C7, C8 and H3. The triangular theme of the site layout and the apartment buildings is incompatible with existing townscape in a location which is highly visible and is a significant central site which requires retention or development of the highest quality.
3. The site is likely to contain archaeological remains of local or national significance and the failure to address the likelihood of effects upon such a heritage asset is contrary to good practice and the National Planning Policy Framework (2012).
4. The proposed vehicle access and egress arrangements to the site and the lack of any proposals for the management, maintenance or allocation of car parking spaces within the application site could lead to pressure for parking outside of the limits of the site to the detriment of the safety and convenience of residents and highway users in the area contrary to saved Local Plan policies G1 and G6. The poor visibility from and narrow carriageway at the western end of White Horse Lane at its junction with High Street will lead to queuing vehicles on High Street and White Horse Lane to the detriment of the free flow of traffic and the safety of highway users contrary to saved Local Plan Policies G1 and G6.
5. The lack of any provision or proposals for affordable housing is contrary to the Council's Interim Affordable Housing Policy 2006.
6. The Flood Risk Assessment submitted with the application is not compliant with the National Planning Policy Framework 2012 in that it has not been demonstrated that the residents of Block A will be safe for the lifetime of the development in view of the predicted flood depths on the site nor has it been demonstrated how the existing flood defences to The Haven would be affected by this development or how the surface water attenuation proposals can be accommodated within the site without affecting the integrity of the defences.

#### **4.0 PLANNING LEGISLATION**

4.1 Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA) require the decision maker on a planning application which affects a listed building to have 'special regard to the desirability of

preserving the building or its setting or any features of architectural or historic interest which it possesses' (s.66). In considering applications in conservation areas, the duty is that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area' (S.72).

## **5.0 DEPARTURE FROM THE DEVELOPMENT PLAN**

5.1 The application has been publicised as a departure from the development plan in accordance with the regulations, since a significant part of the application site is allocated as 'Existing Industrial/Commercial Use' in the adopted Boston Borough Local Plan (1999). A ministerial Direction requires a planning authority to consult the Secretary of State before granting planning permission for certain categories of development (Direction in the former Circular 2/2009). This gives the Minister the opportunity to 'call in' for his own determination. Given the size and nature of this application, there is no requirement to refer it to the Minister if you are proposing to approve or refuse the application.

## **6.0 RELEVANT POLICY**

### **The Development Plan**

6.1 S.38(6) of the 2004 Act requires that determinations must be made in accordance with the plan unless material considerations indicate otherwise. The development plan comprises the saved policies of the Boston Borough Local Plan 1999, saved by Ministerial Direction in 2007.

6.2 The application site is entirely within the Boston Conservation Area and the Local Plan Area of Known Archaeological Interest (AKAI). Both sides of this part of the High Street frontage and parts of the application site are allocated in the Local Plan as an Area of Mixed Use, where saved Policy ED5 applies, which would allow residential development subject to normal development control criteria. Beyond the High Street frontage both sides of Whitehorse Lane, and including the bulk of the application site, are allocated in the Local Plan as Existing Industrial/Commercial Use where saved Policy ED1 would allow new industrial or commercial development.

6.3 There are no saved policies specifically in respect of any aspects of Conservation Area design or listed building considerations save for Policies C7 and C8. The archaeology policy linked to the AKAI is not saved and thus has no relevance. In particular the objectives of Local Plan policies C7 and C8 are as follows;

6.4 Policy C7: *Development of sites adjacent to River Witham* would grant permission for the development of land in this location only where the submitted proposals are well designed and visually related to the river scene.

6.5 Policy C8: *Stump Views* would resist permission for development which would obstruct a public view of the Stump (St Botolph's Church) or which would challenge its visual dominance.

6.6 Other saved Local Plan policies of particular relevance are:

G1: Amenity.

G3: Foul and surface water disposal

G6: Vehicular and Pedestrian Access.

H2: Windfall housing sites within settlements

H3: Quality of Housing Development.

H4: Open Space in Housing Estates.

H8: Creating extra accommodation in existing premises

ED1: Development in Industrial/Commercial areas.

ED5: Development in the Area of Mixed Use.

## **NPPF (2012)**

- 6.7 Committee will be aware of the NPPF guidance in respect of housing applications being considered in the context of the presumption in favour of sustainable development. In addition, it goes on to state that policies for the supply of housing “should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites”. In the absence of a five year supply in the Borough the presumption in favour of sustainable (housing) development applies.
- 6.8 Para 17- Core Planning Principles indicates that Local Planning Authorities should ‘always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings’ and to ‘encourage the effective use of land by reusing land that has been previously developed (brownfield) land provided it is not of high environmental value’.
- 6.9 On design, para. 58 of the Framework states that planning policies and decisions should aim to ensure that developments:
- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
  - Optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of the developments) and support local facilities and transport networks;
  - Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
  - Create safe and accessible environments where crime and the fear of crime do not undermine quality of life or community cohesion; and
  - Are visually attractive as a result of good architecture and appropriate landscaping.
- 6.10 With regard to the setting of the nearby listed structures, paras 126-135 of the NPPF are relevant. It indicates that a proposal which fails to adhere to the historic environment policies contained within this document cannot be viewed as being sustainable and therefore contrary to the ‘presumption in favour of sustainable development’ which lies at the heart of this document. All harm to the setting of a designated asset it says, requires clear and convincing justification. Paragraph 133 adds that where a proposed development would lead to substantial harm to or total loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, subject to conditions.

## **7.0 REPRESENTATIONS**

7.1 At the time of writing this report, one letter had been received from the occupier of 46 Whitehorse Lane relating to the scheme as originally submitted, and a further letter was received from this occupier relating to the amended scheme. The occupier has made the following comments:

- Whitehorse Lane is only wide enough to accommodate one vehicle at a time in either direction. Concerns about the proposed access to serve this development and impact on highway network. Concerns that this development will cause additional highway problems at the junction of High Street and Whitehorse Lane.
- Concerns about heavy vehicles that would be used during the demolition and construction period, the increase in noise levels, dust and mess which will have an effect on privacy during and after this period.
- Use of heavy goods vehicles will also create congestion during these periods, would create a road safety issue and would prevent residents carrying out their day to day activities.
- Concerns over the limited amount of car parking proposed and the likelihood of each unit having to accommodate more than one car. Concerns over the submitted transport statement which the neighbour considers to be out of date.
- The intention that future residents may use additional parking facilities on the opposite side of the river is not practical.
- There are already on street car parking issues along Whitehorse Lane with non residents using allocated car parking bays. This problem could get worse should future residents and visitors use allocated parking areas and use Whitehorse Lane as a free parking area causing additional traffic congestion.
- Concerns over the use of the 'shared' road which serves The Quays and its future upkeep.
- Concerns over the provision of common landscape areas within the site and the potential for ant-social behaviour and noise.
- Concerns over the length of time it would take to develop the site and the impact this will have on the area, the impact on neighbours during this period (including the removal of asbestos).
- No details submitted relating to boundary treatments.
- Concerns that the applicants, 'Hanseatic Developments Limited', is a company which has recently been dissolved. Concerns whether this is lawful.
- Concerns that works are already been conducted on site prior to consent being granted and that this is a 'done deal'.
- The neighbour considers that whilst he would 'like to see this crumbling historic building get a new life' it is felt that the concerns of the residents are not seen as important.

## **8.0 RELEVANT CONSULTATIONS**

8.1 County Highways Authority has not yet commented on the amended plans.

8.2 Environmental Health has no objections subject to conditions. The Environmental Health has made comment with regard to land contamination, air quality and the need for a demolition and construction management plan. These matters are discussed below.

8.3 Historic England raised concerns relating the design quality of the scheme as originally submitted and considered that the design and materials would not preserve or enhance the Boston Conservation Area. Historic England considered at that time that there is scope to improve the quality of design and better contribute to local distinctiveness, and made a number of recommendations in

order for the scheme to accord with the NPPF. Historic England has been consulted on the amended plans and at the time of writing this report, no further comments have been received.

- 8.4 Boston Borough Council- Consultant Architect made comment about a number of design issues which are matters which are addressed below. The Consultant Architect has not made any comment with regard to the amended scheme.
- 8.5 Local Housing Authority points out that this scheme does not include any affordable housing in accordance with this Council's policy and is therefore unable to support the application. The LHA however appreciates that due to the scheme's nature any affordable contributions would likely have an impact on the schemes viability and deliverability. This matter is discussed below.
- 8.6 Environment Agency has not yet responded on the amended flood risk assessment but raised objections to the original Flood Risk Assessment.
- 8.7 Lincolnshire Police Liaison Officer has no objections.
- 8.8 Black Sluice Internal Drainage Board points out that the site is already 100% impermeable, and although the FRA states that there is no drainage from the present site, it is believed that there are existing drainage outfalls to The Haven (EA Main River). Proposals will reduce the impermeable area, but all SW discharge will discharge to The Haven.
- 8.9 BSIDB concludes that the proposals will have no material effect on the Board's systems.
- 8.10 Lincolnshire County Council Strategic Development Officer (Education) considers that this development will impact on local schools and has requested a contribution of £159,766.  
This matter is discussed below.
- 8.11 NHS (England) considers that this development will place extra pressure on existing GP services and has requested a contribution of £26,640. This matter is discussed below.
- 8.12 Lincs Fire and Rescue has not responded.
- 8.13 Heritage Lincolnshire has not yet responded on the amended scheme.
- 8.14 Marine Management Organisation (MMO) has written to say that it will not be providing any formal response relating to the application apart from pointing out the need to submit a formal application to MMO before certain works are carried out.
- 8.15 Anglian Water point out that in terms of foul water disposal, the proposed development will lead to an unacceptable risk of flooding downstream but has no objections subject to one condition relating to foul water disposal. The AWS has recently been re-consulted on the amended FRA which indicates that one option for surface water drainage is to connect into the existing sewer in Whitehorse Lane and at the time of writing this report, no further comments have been received.
- 8.16 Economic Development Manager has not commented.

## **9.0 PLANNING ISSUES AND DISCUSSION**



## **9.1 The application in detail**

- 9.2 The proposed development comprises the conversion of the warehouse building plus a side extension and the erection of three blocks (ie blocks A, B and C) fronting High Street, Haven Bridge and Whitehorse Lane. The details of each part of this application are as follows:

### Warehouse conversion plus extension

- 9.3 It is proposed to convert the existing warehouse building to provide 23 apartments and to erect a three storey extension on its western (High Street) elevation. It is proposed to provide 10 apartments on the ground floor of the warehouse and 11 apartments will be accommodated at the first and second floors. Two apartments will be accommodated within the side extension on the first and second floors. The ground floor of the warehouse extension will provide parking and storage areas.
- 9.4 The proposal includes many external alterations to the warehouse including the installation of new doors and windows and the installation of additional lucarne dormers and roof-lights at roof level. Many of the existing external features are to be retained including the existing timber cupola (or roof lantern), loading bay openings and derrick crane on the riverside elevation, ventilation slots and the loading bay towers on the southern (Whitehorse Lane) elevation.
- 9.5 The proposed extension on the side (western elevation) will be about 12.8m by 11.5m. It will be narrower than the existing warehouse and the ridge height will be about 0.5m lower than the warehouse in order to ensure the extension is visually subservient to the main warehouse building. The proposed extension to the warehouse to provide 2 apartments is required in order to make up for the loss of 2 apartments on block B following discussions with your officers.

### Block A

- 9.6 This proposed apartment block will accommodate 18 apartments, 6 apartments on the first, second and third floors. Given flood risk constraints, the ground floor of block A will be used for garaging and storage. Overall, the footprint of the building will be about 12m wide by 39m long, split into 3 sections. The proposed building will face Haven Bridge (ie north) and will be set back at a minimum distance of 3m from the bridge. It will also be about 2.5m from The Haven, 17m from the warehouse and 5.5m from 76 High Street which is a listed building. The proposed building will have a pitched roof with gable ends on either side. It will be about 13.5m high. In comparison, the existing warehouse is also around 13m.

### Block B

- 9.7 This proposed apartment block will accommodate 19 apartments, 7 apartments on the first and second floors and 5 on the third floor. Given flood risk constraints, the ground floor of block B will be used for garaging and storage. Originally it was proposed to provide 21 apartments within block B but this has been reduced to 19 following discussions with the applicant in order to reduce impact on residential amenity as discussed below.
- 9.8 Overall the footprint of the proposed building will be around 12m wide by 48m long and as with block A, it will be split into 3 segments. It will front onto Whitehorse Lane, opposite terraced housing, a car park and a gable end of another terraced block. The main part of the building will be 0.4m from the highway at its eastern

end and about 3m at its western end. However parts of the overhanging projecting elements of the building will be virtually in line with the highway boundary.

- 9.9 The western part of the building will be 3 storey at 10.5m high and the eastern part of the building will be 4 storey and will be around 13m. The rear of the proposed block B will be about 5m from the existing warehouse at its nearest point. The western part of the building will be attached to an existing storage building along Whitehorse Lane.

### Block C

- 9.10 The proposed block C will front onto High Street and will be attached to 82 High Street which is a non listed building. The proposed building will provide one single dwelling unit and will be located next to the vehicular access that will serve this development. The proposed building will be set virtually in line with the adjacent building, abutting the footpath. It will be about 5.5m wide, 11.8m deep with a ridge height of 9m which matches the adjacent building. It is intended to provide an internal step in order to achieve the required slab level height to accord with the revised FRA. The design of block C has been significantly changed since the application was originally submitted and now follows a more traditional approach.

### Collier International report

- 9.11 Following the refusal of the previous application, this Council and Historic England, in partnership with the applicant, commissioned Collier International to carry out a full appraisal of whether there were viable and deliverable options for the re-development of the Haven Wharf site, which included the retention and redevelopment of the historic buildings on the site, including the warehouse building.
- 9.12 The report also looked at the structural integrity of the warehouse building and concluded that although there were serious defects in parts of the warehouse they were not beyond repair and it was an acceptable structure for conversion. It was also considered that residential use appeared to be optimal for the site given the physical circumstances and the nature of the market.
- 9.13 The report also made a number of recommendations on how the site could be developed, including conversion of the warehouse plus the erection of apartment blocks, though the report does suggest a viability gap (ie a deficit) for all options assessed based on a number of assumptions that had been made. This, it says, is because of the challenges in making residential development in Boston viable because of low values. It adds that much depends on the specification of works, build costs, the prices that can be obtained for the apartments and the profit that the developer is prepared to accept. The report goes on to say that is reasonable to assess that development at the site could be viable if costs can be controlled. Grants towards the cost of repairing the warehouse and/ or making the site ready for development, it says, could make the scheme solidly viable.
- 9.14 The main conclusion reached in the report is that a residential scheme which includes the conversion of the warehouse plus the erection of apartment blocks can be viable and deliverable, provided costs are controlled, though additional funding may be needed.
- 9.15 It should be noted however that this current application does not include a comprehensive viability appraisal which relates specifically to this scheme, and although this application reflects the recommendations made within the report, the Colliers International report does not directly relate to this scheme.

## **Key considerations**

- 9.16 The key considerations in the determination of this application area:
- Principle of development having regard to Local Plan policies, the NPPF and the 5 year supply
  - Design and impact on the setting of the listed buildings and the character of the conservation area- 'The conservation tests'
  - Impact on residential amenity
  - Impact on highway safety
  - Demolition of the existing buildings
  - Loss of employment/industrial land
  - Affordable housing
  - Developer contributions and the impact on local schools and health services
  - Density
  - Archaeology
  - Bin storage and management
  - Foul and surface water disposal and Flood risk
  - Sustainability
- 9.17 Principle of development having regard to Local Plan policies, the NPPF and the 5 year supply
- 9.18 The Boston Borough Local Plan allocates part of the site as 'existing Industrial/Commercial Area', and a smaller part as an Area of Mixed Use. One of the objectives of Local Plan policy ED1 is to ensure such land is used for industrial or commercial development. The proposed residential development of this site therefore does not accord with this policy and the application has been advertised as a departure.
- 9.19 The Borough does not have a five year housing land supply and therefore the presumption within the Framework replaces the housing supply policies in the Plan. Assessment against the development plan as a whole is the starting point but the Framework's 'presumption' in favour of sustainable development and that in principle the proposed development at the present time would make a significant contribution towards meeting a five year supply is a material consideration of substantial weight.
- 9.20 Balanced against this 'presumption in favour' will be that this development will have an impact on the character of the conservation area and the setting of listed buildings, it will increase in traffic generation in this area, there is a lack of sufficient parking provision within the site which may generate on street parking, that the development would lead to a loss of allocated industrial land and that it will have an impact on residential amenity.
- 9.21 The development plan policies with particular relevance to the location of the site, next to the river and within a prominent site within the conservation area are C7 and C8.
- 9.22 Local Plan C7 would only permit development in this location if a scheme is well designed and visually related to the river, whilst Local Plan policy C8 resists designs and developments which, amongst other things, challenges the visual dominance of St Botolph's church.
- 9.23 The NPPF indicates that decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It goes on to say that 'it is, however, proper to seek to promote or

reinforce local distinctiveness (para 60)'. However, paragraph 64 says that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

- 9.24 Design is clearly a subjective matter and to some people the design approach of blocks A and B in particular would be totally out of character with the area whilst others may see this scheme as highly imaginative and of good quality which will provide a positive impact on the environment.
- 9.25 It is considered that whilst certain aspects of the design of this scheme in isolation is of good quality, the key issue here is context and whether the design of development will assimilate within the pattern and character of the surrounding built environment. This matter is discussed further below.
- 9.26 In addition, housing and general amenity policies as contained in the Local Plan are also relevant.
- 9.30 Local Plan Policy H2 allows housing development within settlements provided that, inter alia, there is no loss of an open space or a frontage which contributes significantly to the area, the site is not too small to accommodate the development, the development and density are in character with neighbourhood and, that the development does not constitute tandem development.
- 9.31 Local Plan Policy H3 of the Local Plan would resist new housing which does not provide pleasant, secure environments for residents; are incompatible with the existing character of the area; are close to an existing use which is likely to cause environmental problems to future residents; or will cause or significantly aggravate adverse traffic conditions on the public highway. Policy G1 is the general development control policy which has some overlap with Policy H3. The test in the policy is that permission would only be granted if a proposal will not 'substantially harm' amenities of neighbours or the general character of the area.
- 9.32 Whilst these policies are relevant to all housing schemes including this application, it should be noted that commonly applied 'standards' with regard to minimum distances between properties, the 45 degree rule with regard to loss of daylight, overlooking, amenity areas etc may not be directly applied to all forms of new housing schemes, especially within dense urban environments such as the site subject to this application. Policy H4 requires the provision of public open spaces within new housing developments of 20 dwellings or more. It is considered given the type of development and its edge of centre location, no such provision is required in this instance.
- 9.33 Local Plan Policy H8 relates to the creation of extra residential accommodation in existing premises and is specifically relevant to the conversion of the warehouse. This policy resists development where it would result in on street parking, to the detriment of highway safety and amenities of the area or where the residential amenity would be seriously harmed by noise or other disturbance.
- 9.34 As indicated above, with regard to the setting of nearby listed buildings and the impact on the amenity of the conservation area, paras 126-135 of the NPPF are relevant. It indicates that a proposal which fails to adhere to the historic environment policies contained within this document cannot be viewed as being sustainable and therefore contrary to the 'presumption in favour of sustainable development.' All harm to the setting of a designated asset is says, requires clear and convincing justification.

- 9.35 Paragraph 137 goes on to say that Local Planning Authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.
- 9.36 These issues are addressed later in the report though the principle of residential development on this edge of town centre location site is acceptable subject to development control criteria being met.

**Design and impact on the setting of the listed buildings and the character of the conservation area- 'The conservation tests'**

- 9.37 The application site is located close to and within the setting of existing listed buildings, within a prominent location next to the Haven Bridge and within the Boston Conservation Area. The impact on the character of the area, the street-scene, the pattern of development in the area and the setting of nearby listed buildings will be fundamental issues in the determination of this application.
- 9.38 Although design decisions can be very subjective, that subjectivity should be informed by the guidance in the Framework which speaks, at para 58 of development functioning well and adding to overall quality; establish a strong sense of place; optimise the potential of the site with an appropriate mix of uses; respond to local character and reflect local identity whilst not preventing innovation; create safe and accessible environments and that are visually attractive as a result of good architecture.
- 9.39 The setting of a heritage asset is defined in the Glossary of the NPPF. It says:  
  
'...The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'.
- 9.40 These are high tests and although there are no saved Local Plan policies in respect of listed buildings or conservation areas the NPPF, as indicated above, advises that when considering the impact a proposed development may have on the significance of a designated heritage asset, great weight should be given to the asset's conservation. One of the core planning principles as contained within paragraph 17 of the NPPF indicates that planning should 'conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations'.
- 9.41 The proposed conversion of the warehouse is to be welcomed, in principle, though concerns have been expressed by Historic England, Heritage Lincolnshire and this Council's Consultant Architect about certain aspects of the design of the alterations. In addition to other aspects of this scheme, Historic England expressed initial concerns about the proposed extension to the warehouse and has questioned whether this element is necessary to the scheme and whether it should be omitted.
- 9.42 As indicated above, the reason why an extension is now proposed to the warehouse is to make up for the loss of 2 apartments at block B.

- 9.43 The proposed conversion of the warehouse includes a number of additional external features such as new doors, windows, dormers and roof lights and the retention of many of the existing features which form integral elements to the design and character of this building. The proposed 3 storey extension on the western (High Street) side of the warehouse has a similar profile to the existing gable end but is set slightly lower than the main building so it would be viewed as being subservient to the warehouse and does not challenge its appearance or prominence.
- 9.44 Amended plans have been submitted to overcome the concerns previously expressed and it is my view that overall, and subject to conditions, the design of the proposed warehouse conversion and its extension is acceptable.
- 9.45 The design of block C which consists of a single two and a half storey dwelling house with a dormer on its front (High Street) elevation is acceptable. The proportions, form, fenestrations and proposed materials to be used in the construction of this building follows a more traditional approach and is much better than the contemporary design previously proposed. This part of the proposal is sympathetic to the character and pattern of development in the area and will pose as a positive contribution to the overall appearance of the area. Historic England had no objections to the revised design of block C previously and supported this amendment 'as it would allow the building to assimilate with the existing buildings along High Street more successfully than visually compete with them'.
- 9.46 The designs of blocks A and B have been subject to extensive discussions with the applicant and both blocks, given their respective scale and location, will represent a fundamental change to the character and appearance of the area. The width of the gable ends of block A in particular will be specifically visible when viewed from either direction along the John Adams Way and South End, and its front elevation will be especially prominent when viewed along High Street, on the opposite side of the bridge, South Square to the north east and from many other vantage points within the conservation area. Modifications to the design and pattern of the windows in each gable end have been made in an effort to break up the massing of these gable ends. Although block B will be about 50m from the junction of Whitehorse Lane and High Street, this building, given its height will also be clearly visible from High Street and across the Haven to the east further along South End.
- 9.47 The design and scale of both buildings are similar, both have a staggered footprint, up to 4 storey in height and both have projected wings, presumably to emulate the projecting loading towers on the warehouse building. The projections on block A will have pitched roofs and the projections on block B will have flat roofs, though both will now have vertical and timber boarding coupled with red brick which again is designed to echo the materials used on the warehouse. Previously it was intended to use coloured render on these projections, which was considered inappropriate by Historic England.
- 9.48 As indicated the scale of block B has been amended and has been broken down into a part three storey and part four storey building, rather than all of the building being four storey as originally proposed. This amendment will assist the new building assimilating within its setting though the scale of this building in relation to neighbouring residents remains a principle concern as detailed below.

- 9.49 As indicated above, in determining this application this Council should be aware of the statutory duty of sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a listed building or its setting, and to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 9.50 Listed Buildings are of national importance and although this development will cause some harm to the setting of the listed building, such harm in my view would be less than substantial when outweighed by the public benefits that this development would bring in terms of providing substantial new housing to the town. Furthermore, the development will ensure the demolition of three buildings within the Boston Conservation Area which do not provide any positive benefit to the fabric or appearance of the conservation area. The demolition of these buildings, the conversion and re-use of the warehouse, the design quality of the three proposed blocks, in particular block C fronting High Street, will collectively ensure that the development will enhance this historic asset and will not erode or cause harm to the conservation area.
- 9.51 Historic England has yet to comment on the amended scheme though previously commented that the scale of blocks A and B were acceptable. Any further comments from Historic England, Heritage Lincolnshire and the Consultant Architect will be reported verbally at the meeting.

#### **Impact on residential amenity**

- 9.52 This application will have an impact on residential amenity, not only the existing residents especially along Whitehorse Lane but also future residents of the proposed development. The main part of the proposed block B which fronts onto Whitehorse Lane will be set back between a minimum of 0.4m and a maximum of 3m from the highway. It will also be a minimum distance of around 8m from the two storey terraced houses on the opposite side of the road.
- 9.53 These terrace properties presently face storage buildings built of red brick and metal sheets located within the application site and close to the highway boundary. The current outlook (north facing) from these existing residential properties is therefore not ideal. The existing storage buildings are to be demolished to make way for proposed block B which will benefit the outlook of existing residents. However proposed block B will be high in comparison with the existing terraced block. The western part of block B will be 3 storeys at 10.5m high and the eastern part of the building will be 4 storeys and will be around 13m. The terraced block opposite is around 7.5m high.
- 9.54 At the time the application was originally submitted, the whole of proposed block B was to be 13m high. However following discussions with the applicant regarding impact on residential amenity, part of the proposed block has been reduced in height to 10.5m and as a consequence, two apartments have been removed from block B. In order to make up for the loss of these two apartments, it is intended to extend the warehouse as detailed above.
- 9.55 This will provide some improvement to the residents living directly opposite this part of the proposed building (i.e. nos 2a- 2d Whitehorse Lane) but not all the residents will benefit from this revision since the residents of the end terrace property (i.e. 2e Whitehorse Lane) who will still face the remaining eastern two segments of the proposed block which remains at 13m high.

- 9.56 Normally this would not be considered acceptable and as Members are aware, although no objections have been raised by the occupiers of the terraced properties opposite, this does mean that residential amenity will not be harmed. Although further discussions have taken place with the applicant to reduce the height of the block in order to improve the outlook from the terraced properties opposite, no further amendments have been made to this part of the scheme which is unfortunate. In my view a traditional terraced residential block would be much more acceptable along the Whitehorse Lane frontage though flood risk and viability are factors which have also influenced this aspect of the development.
- 9.57 Proposed block B will also be located at a minimum distance of around 5m or so from the existing warehouse and this development will therefore result in extensive overlooking between proposed habitable windows serving the rear (north) elevations of block B with the proposed habitable windows on the south elevation of the warehouse. Also this close relationship between buildings will also result in significant loss of sunlight/daylight to the future residents of some of the apartments within the warehouse in particular.
- 9.58 It is proposed to provide ground floor accommodation within the warehouse and the amenity and privacy of the future residents of these apartments may also be affected by pedestrian and vehicular movements between these two buildings. Furthermore, given that the ground floor of the proposed block B includes 4 garages with access on the northern elevation coupled with the narrow distance between the warehouse and this block will result in the occupiers of flat 2 of the warehouse, in particular, will experience amenity loss through car lights shining into windows as vehicles access and egress the garage and noise disturbance.
- 9.59 Whilst the spatial relationship between the warehouse and proposed block B and the resultant impact on residential amenity is well below what would normally be acceptable, it should be noted that this aspect of the development and resultant impacts will not be imposed on **existing** occupiers; it is only **future** occupiers of the flats that would be affected. It may therefore be argued that the future occupiers would be well aware of the situation before they commit themselves to moving into the accommodation and this has material weight as part of the planning balance. It should also be noted that the standard 'yardsticks' that have been applied to other housing schemes relating to daylight provision and distances between properties cannot be directly applied with a scheme of this type or density, although the objectives of such guidance which is designed to reduce provide a quality urban environment for residents is a material consideration. However the same argument cannot be made for the **existing** residents of Whitehorse Lane and it is my view that this development will have an impact on the quality of the living environment currently experienced by these residents.
- 9.60 Despite extensive discussions with the applicant regarding this aspect of the development, I retain some reservations about this scheme and impact on residential amenity. Clearly the impact on residential amenity needs to be assessed with regards to the 'substantial harm test' within Local Plan policy G1 against the overall benefits of the scheme in terms of the supply of additional housing in the town and environmental improvement in relation to the character of the conservation area.

#### **Impact on highway safety**

- 9.61 Local Plan G6 resists development where the proposed means of pedestrian and vehicular access are unsatisfactory and paragraph 32 of the NPPF indicates that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.



- 9.62 The previous application was refused partly on the grounds of impact on highway safety and inadequate parking provision (i.e. reason 4 above). It was considered that limited car spaces within the site may lead to pressure for parking outside the limits of the site, and that the poor visibility from and narrow carriageway at the western end of Whitehorse Lane at its junction with High Street, would lead to queuing vehicles on High Street along the highway network, to the detriment of the free flow of traffic.
- 9.63 Access and egress to the proposed development will be off High Street via the existing vehicular access between 78 and 82 High Street though it is intended to erect a new dwelling (block C) which will be attached to 82 High Street which will effectively reduce the access width to around 5m. The site is served by other vehicular accesses, one next to the Haven Bridge/High Street junction and the other along Whitehorse Lane.
- 9.64 It is intended to erect fencing and gates along part of the site's frontage near the junction of Haven Bridge and High Street. This will enable this existing access only to serve 76 High Street. It is not intended to provide any vehicular access off Whitehorse Lane- only pedestrian access.
- 9.65 It is proposed to provide 18 car spaces serving the proposed 61 dwelling units. Provisionally, it is intended to provide 5 spaces to serve block A (undercroft), 4 spaces to serve block B (under-croft), 1 space to serve block C and 8 spaces to serve the warehouse conversion and extension.
- 9.66 In addition the applicant points out that there are public and private car parks located close to the application site which may serve this development, both visitors and residents. The applicant says that future residents may be able to obtain annual permits to park within these car parks. However the applicant also acknowledges that security and insurance may be a concern. The applicant also points out that there is some on-street parking available within the surrounding area.
- 9.67 In my view a condition could not be attached to any permission granted which requires future occupants to obtain annual permits within the surrounding area since such a condition would not be reasonable or enforceable.
- 9.68 In the absence of any local (or national) parking standards the Framework says that developments that generate significant movements should be located where the need to travel will be minimised. Priority should be given to pedestrian and cycle movements and to create secure and safe layouts which minimise conflicts. There is no doubt that this site has good sustainable credentials insofar as its proximity to and connection opportunities to the town centre, although the proposed 18 spaces to serve 61 dwelling units is, in my view, not ideal and may count against this proposal.
- 9.69 The County Highway Authority has not commented on the revised details or on the revised parking strategy and any comments received will be reported verbally at the meeting.

### **Demolition of the existing buildings**

- 9.70 As indicated above it is intended to demolish three existing buildings on site in order to make way for the proposed development. The site is within a prominent location within the conservation area.
- 9.71 The NPPG indicates that:

‘An unlisted building that makes a positive contribution to a conservation area is individually of lesser importance than a listed building (paragraph 132 of the National Planning Policy Framework). If the building is important or integral to the character or appearance of the conservation area then its demolition is more likely to amount to substantial harm to the conservation area, engaging the tests in paragraph 133 of the National Planning Policy Framework. However, the justification for its demolition will still be proportionate to the relative significance of the building and its contribution to the significance of the conservation area as a whole’.

- 9.72 In this instance, it is considered that the buildings to be demolished have no historic or architectural value and provide no positive benefits to the amenity or to the character of the conservation area.
- 9.73 Historic England has not made comment on the revised scheme but in previous correspondence Historic England *‘would not object to the proposed demolitions as these elements are of a lesser significance than the main warehouse buildings and their demolition would bring about the re-use of the warehouse buildings’*. Historic England adds that *‘the proposed demolitions would not erode or cause harm to the appearance of the conservation area’*.
- 9.74 I concur with that view.

#### **Loss of employment land**

- 9.75 As indicated above the application site forms part of a much larger area designated in the adopted Local Plan as a proposed industrial/commercial area.
- 9.76 Paragraph 22 of the NPPF states that *‘Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities’*
- 9.77 This suggests that it is appropriate to set aside the provisions of Local Plan policy ED1 provided there is evidence that there is unlikely to be any future demand for the allocated employment land.
- 9.78 The Economic Development Manager has not commented, although given the amount of allocated and unused industrial development within the Borough, it is considered that the loss of this allocated industrial land, close to the town centre as a result of this development will not substantially undermine the local economy.

#### **Affordable housing**

- 9.79 This application is for 61 dwellings and therefore this form of application would normally attract a need for the provision of Affordable Housing. As members are aware, this Council’s current stance on affordable housing is that for eligible sites, developers should provide a minimum of 15% affordable units, subject to viability.

- 9.80 The Local Housing Authority indicates that to comply with the current affordable housing requirements a minimum of 9 properties would need to be delivered as affordable.
- 9.81 The previous application did not include any affordable housing and was partly refused on the grounds that the lack of any provision or proposals for affordable housing was considered contrary to the Council's Interim Affordable Housing Policy 2006. (ie reason 5).
- 9.82 The Local Housing Authority points out that the application appears to make no reference to the provision of any affordable housing or why it is not able to be provided. The Local Housing Authority is currently unable to support the application, although appreciates that due to the schemes nature any contributions would likely have an impact on the scheme's viability and deliverability. No viability assessment has been submitted by the applicant.
- 9.83 It is **not** proposed to provide any affordable housing as part of this scheme since, according to the applicant, this will have an impact on the viability of converting the warehouse and the construction of the three proposed blocks.

### **Developer contributions and the impact on local schools and health services**

- 9.84 Where a relevant determination is made which results in planning permission being granted for development, a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.

As indicated above, S106 contributions have been requested for contributions towards affordable housing, education and health.

- 9.85 The LCC Strategic Development Manager (Education) considers that this development will impact on local schools and has requested an education contribution of £159,766 to be secured through a S106 agreement in order to mitigate this impact at local level. This request is split into the following three categories:
- Primary           £56,382
  - Secondary       £84,957
  - Sixth form       £18,427
- 9.86 NHS (England) considers that this development will place extra pressure on existing GP services and has requested a contribution of £26,640.
- 9.87 NHS England states that the proposed development would put additional demands on the existing GP services in the area and additional infrastructure would be required to meet the increased demands. To mitigate this, they say, the s106 funding would go towards Kirton Medical Centre to upgrade their surgical suite.
- 9.88 The applicant has not submitted a financial justification setting out the viability of the scheme with regard to the education, NHS or affordable housing contributions and the balance here for Committee is that although not providing such contributions would be contrary to the direction that major applications have been following in the past when there has been such a request, this should be balanced

against the level of priority Committee would give to delivering such a major scheme on such an important and prominent site within the town.

### **Density**

- 9.89 NPPF indicates that, amongst other things, local planning authorities should ‘....set out their own approach to housing density to reflect local circumstances’. The Local Plan does not include a policy which specifies minimum or maximum densities although Local Plan Policy H2 (sub 3) allows new housing developments where ‘the resultant dwellings and curtilage(s) are of a size and character which reflect the current density of development in the area’
- 9.90 The application site occupies 0.49 ha and it is intended to construct 61 dwelling units on this site. This equates to around 124 dwellings per hectare. This density may seem a little high and in comparison the density of the surrounding area (including the housing development at the eastern end of Whitehorse Lane) which is around 67dph. However given the site is close to the town centre and includes the conversion of a large warehouse, it is considered that the density of the proposed development is reasonable.

### **Archaeology**

- 9.91 The site is within an area which has a high archaeological potential with remains likely to be of national importance. This development is therefore likely to impact on important archaeological deposits. The previous application was in part, refused on the grounds that the application did not address the likelihood of its effects upon such a heritage asset was considered to be contrary to good practice and the National Planning Policy Framework (2012) ( i.e. reason 3).
- 9.92 Heritage Trust of Lincolnshire has not yet commented. Any comments received will be reported verbally at the meeting.

### **Bin storage and collection**

- 9.93 There is adequate space within the application site to provide bin storage areas to serve the proposed 61 dwelling units and for the provision of collection point(s) during collection days. However no such details of the management of bin collection or the storage of wheelie bins have been submitted with this application. These details may be subject to a planning condition should permission be granted.

### **Foul and surface water disposal and Flood risk**

- 9.94 The application site is located within Flood Zone 3 of the Environment Agency’s Flood Maps and the application is accompanied by a Flood Risk Assessment which the applicant has recently amended, given objections raised by the Environment Agency. These objections remain outstanding.
- 9.95 The revised FRA identifies proposed finished floor levels for the proposed warehouse conversion and the three proposed blocks (ie blocks A, B and C). Block A (next to Haven Bridge) and block B (fronting Whitehorse Lane) do not include any residential accommodation (including sleeping accommodation) on the ground floor. Instead, it is proposed to provide undercroft car parking and storage areas within these two blocks

- 9.96 The proposed block C (fronting High Street) and the proposed warehouse conversion include residential accommodation on the respective ground floors and the revised FRA recommends that the floor levels of these buildings are set at specific levels above the existing ground levels.
- 9.97 The submitted FRA indicates that there are existing drainage systems within the site which connect foul and some surface water and outfall to the public sewers in High Street and Whitehorse Lane. One of the options put forward by the applicant is, subject to the approval of the Anglian Water, to discharge all surface water from the development into the sewer along Whitehorse Lane at an agreed and restricted rate. This will avoid significant and dangerous construction activities associated with a new drainage outfall into The Haven. Anglian Water Services are yet to comment on the revised surface water scheme. It is proposed foul water will be discharged into the sewer in High Street.
- 9.98 The revised FRA indicates that the net effect of the development will be a reduction in impermeable hard surfaced areas on the site which are currently around 97%. It adds that the reduction in the impermeable area will have a positive effect on the volume of surface water runoff generated by the proposal. The submitted site plan indicates that external surfaces are to be subject to detailed landscape design with the vehicular areas to be in stone setts with soft landscaping and planting in non vehicular areas. The treatment of the external areas including landscaping of the site may be subject to a planning condition.
- 9.99 The County Council, acting as Lead Local Flood Authority has not yet commented.
- 9.100 The Environment Agency objected to the flood risk assessment as originally submitted. The applicant has been in discussions with the Environment Agency and at the time of writing this report it is understood that the amended Flood Risk Assessment overcomes the Environment Agency's objections. I will update Members on this matter at the meeting.

### **Sustainability**

- 9.101 The Framework sets out three dimensions and roles of sustainable development i.e. social, economic and environmental. In addition, one of the core elements of the NPPF is that patterns of growth should be properly managed and to make the most effective use of public transport, cycling and walking. Paragraph 7 and 8 of the Framework explain that these three roles should not be undertaken in isolation because they are mutually dependent.
- 9.102 In social terms, the provision of 61 new dwellings would make a significant contribution towards the supply of housing in the area which accords with paragraph 7 of the Framework.
- 9.103 In economic terms, the proposal would provide employment at construction stage and may support local businesses and the local economy both during construction and when the dwellings are occupied.
- 9.104 The environmental dimension of the NPPF aims to protect and enhance the natural, built and historic environment and, as part of this, helping to improve biodiversity, use natural resources prudently, to minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy. In environmental terms, the application site is within a highly sustainable location given it is within easy walking or cycling distance of the town centre.

9.105 However, the development will have an impact on the local environment, the setting of nearby listed buildings, the character of the Boston Conservation Area and residential amenity and the Committee might share some of the concerns originally expressed by this Council's Consultant Architect, Heritage Lincolnshire and Historic England about the design quality of this scheme and its impact on its surroundings. These issues need to be balanced against the public benefits of this scheme.

## **10.0 Conclusion**

10.1 The Framework indicates that housing applications should be considered in the context of the presumption in favour of sustainable development. Housing applications, it says, should be approved if the authority cannot demonstrate a five year housing supply, unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate such developments should be restricted.

10.2 Against this 'presumption', i.e. that in principle the land at the present time would make a significant contribution towards meeting a five year supply, are, amongst other things, the scale and design of the proposed development in particular blocks A and B, impact on the character of the conservation area and the setting of the nearby listed buildings, the site's allocation in the Local Plan as 'existing/commercial use', the potential impact on highway safety and the impact on residential amenity.

10.3 These are matters which should be assessed as part of the planning balance, although in my view the fundamental issues raised by this application will be impact on residential amenity and the design of blocks A and B in particular and the impact these buildings will have upon historic assets.

10.4 It is considered that:

- The site constitutes 'previously developed land' (pdl) located within a sustainable location, close to the town centre and within easy walking distance from amenities and facilities.
- The applicant says contributions towards affordable housing, education and health would make the scheme unviable. The balance here is for the Committee to decide whether the need for the delivery of affordable housing, education and health outweighs the need to deliver the wider substantial environmental benefits of this scheme, including the renovation and conversion of the warehouse.
- Although the site is partly allocated in the Local Plan as 'existing/commercial use' and that this development will result in the loss of industrial land, there is no evidence to suggest that this will have an adverse impact on the local economy given the amount of available industrial land elsewhere in the Borough. Indeed, the proposed residential use of the site, given its near town centre location may be considered as more appropriate than industrial uses.
- The development will represent a fundamental change to the character of the site and the conservation area when viewed from both directions along John Adams Way and from other prime locations within the town. The development will also affect the setting of some nearby listed buildings. The NPPF sets out tests associated with the degree of harm to a heritage asset. However it is considered that the harm to these historic assets would not be substantial; this is a high test. It may also be argued that this development will lead to a

substantial enhancement of the area and will act as a catalyst towards further urban regeneration.

- During previous discussions with the applicant, the Consultant Architect, Historic England and Heritage Lincolnshire collectively expressed concerns with regard to the design of the scheme, both with regard to the proposed extension to the warehouse and to blocks A and B. It was considered that the scheme was a 'missed opportunity' for a quality design that would contribute to local distinctiveness'. I share that view. Whilst the revised design of the scheme, which has been amended on a number of occasions, is much better than the original (and previous scheme which was refused), especially given the use of timber boarding on the front elevations of these blocks. In my view the design of this scheme is now satisfactory.
- In terms of highway safety and parking, it is accepted that the proposed 18 car spaces to serve the proposed 61 residential units is not ideal and may lead to extra pressure for on street parking on the surrounding highway network. There are no local (or national) parking standards which could be applied, although Local Plan Policy H8 in particular resists development where it would result in on street parking, to the detriment of highway safety and amenities of the area. Normally at least one space per dwelling unit would be a reasonable expectation even in this urban location. However it may also be argued that there is no reason why the future residents of the development would not be able to use public car parks within the immediate proximity of the site. The site is also reasonably close to the bus station and railway station. The County Highways has not commented.
- This development will affect residential amenity of both existing and future occupants, especially with regard to block B and its relationship with the terraced block to the south (nos 2a -2e Whitehorse Lane) and with the existing warehouse to the north. This adverse impact will count against this proposal in the planning balance. Although the amendments to the height of block B will mitigate to some extent the impact on some of the existing residents, this development will still adversely impact the visual amenity and outlook of other residents within this terrace. Whilst it would not be practical to use the common yardsticks applied to other housing developments given the location and type of development proposed, a distance of around 5m from proposed block B and the existing warehouse remains problematic. The main issue for Members to decide is whether such harm to residential amenity would be 'substantial' to warrant refusal of this application.
- To conclude, it is my view that the public benefits of this scheme, in terms of urban regeneration including the conversion of the warehouse, outweigh the adverse elements of this scheme as detailed in this report. It is recommended that permission is granted subject to the conditions below.

## **11.0 RECOMMENDATION**

That the Planning Committee resolve that they are minded to Approve this application subject to the following conditions and:

- That no adverse comments are received by outstanding consultees which may warrant the re-consideration of this application. The time period for the Consultees for making comments on this application expires on the 24<sup>th</sup> May 2018.

- the imposition of any appropriate conditions that may be recommended by the consultees

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

- Location plan- 001 (1/24)
- Proposed site plan SP-210 Rev B (3a/24)
- Demolition drawing – DEM -100 (4/24)
- Proposed elevations – warehouse EL-200 Rev D (11B/24)
- Proposed elevations-warehouse EL-201 Rev D (12B/24)
- Proposed ground floor –warehouse PL-203 Rev C (13a/24)
- Proposed first floor –warehouse PL-204 Rev D (14c/24)
- Proposed second floor –warehouse PL-205 rev B (15b/24)
- Block A -ground, first and second floor PL-102 Rev B (16/24)
- Block A-proposed elevations EL-101 rev C (17a/24)
- Block A- detailed elevation EL-401 rev A (18a/24)
- Block B – Ground, first and second floor layout PL-100 rev A (19a/24)
- Block B – Third floor and roof plan PL-101 rev B (20/24)
- Block B – Elevations EL-100 rev B (21/24)
- Block B –detailed elevation EL-400 rev A (22a/24)
- Block C-Plans and elevations EL-402 Rev B (23b/24)
- Block A- Third floor and roof plan ref PL-103 Rev A (24/24)

Reason: To ensure the development is undertaken in accordance with the approved details and to accord with Adopted Local Plan Policy G1.

- 3 No development shall take place above ground level until full details of hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. The scheme shall include:

- a) boundary treatment
- b) hard surface materials
- c) planting schedules (species, sizes densities)
- d) existing trees to be retained/removed

Reason: In the interests of visual amenity and in accordance with Section 197 of the 1990 Act which requires Local Planning Authorities to ensure, where appropriate, adequate provision is made for the preservation or planting of trees, and to ensure that the approved scheme is implemented satisfactorily. The condition accords with Adopted Local Plan Policies G1 and H3.

4. All landscape works shall be carried out in accordance with the approved details in accordance with timescales that shall be submitted to and agreed in writing by the Local Planning Authority before any development above ground level. Any trees, plants, grassed areas which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the first available planting season with others of similar size species or quality.

Reason: In the interests of visual amenity and in accordance with Section 197 of



the 1990 Act which requires Local Planning Authorities to ensure, where appropriate, adequate provision is made for the preservation or planting of trees, and to ensure that the approved scheme is implemented satisfactorily. The condition accords with Adopted Local Plan Policy G1 and H3.

5. No development shall take place above slab level until details of the materials proposed to be used in the construction of the external surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is in keeping with the character of the area and to accord with Adopted Local Plan Policy G1.

6. A landscape management plan including management responsibilities and maintenance schedules of all landscaped areas shall be submitted to the Local Planning Authority before the occupation of any dwelling. The management plan shall be carried out as approved.

Reason: To ensure the long term maintenance of the landscaping in the interests of the amenity of residents and to accord with the objectives of Local Plan policy H3.

7. Prior to the commencement of the development hereby permitted, a Construction/demolition Management Plan shall be submitted to the local planning authority for approval. The Construction Management Plan will prescribe how the construction of the site will be phased, how demolition of existing buildings will be managed, where site accommodation and welfare facilities will be placed, hours of working, where site vehicles and the vehicles of site personnel will be parked and where materials will be delivered and stored within the site. Construction of the permitted development shall be undertaken in accordance with the approved Construction Management Plan.

Reason: In the interests of residential amenity, the safety and free passage of the public and to accord with the objectives of Local Plan policies G1 and G6. This is a pre-commencement condition due to the fact that the management of plant, site equipment etc needs to be agreed prior to the commencement of any development to ensure that neighbour's amenity and safety are respected.

8. No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved foul water strategy.

Reason: This is a pre- commencement condition and the details are required in the interests of satisfactory drainage and to accord with the objectives of Local Plan policies G3.

9. Before occupation of any of the dwellings hereby approved, the external parking and pedestrian areas shall be provided with lighting in accordance with details, including the maintenance of the lighting, to be submitted to and agreed in writing by the Local Planning Authority.

Reason: To provide adequate lighting, in the interest of crime prevention and community safety and in accordance with Adopted Local Plan Policy H3.

10. The development hereby permitted shall not be commenced until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority (LPA) and until the scope of works approved therein

have been implemented. The assessment shall include all of the following measures unless the LPA dispenses with any such requirements in writing:

a) A Phase I desk study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the LPA.

A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle and takes into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the LPA.

Reason: To ensure potential risks arising from previous site uses have been fully assessed and to accord with Local Plan Policy G1.

- 11 Where the risk assessment (see preceding condition) identifies any unacceptable risk or risks, a detailed remediation strategy to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved by the LPA. No works, other than investigative works, shall be carried out on the site prior to receipt of written approval of the remediation strategy by the LPA.

Reason: To ensure the proposed remediation plan is appropriate and to accord with Local Plan Policy G1.

- 12 Remediation of the site shall be carried out in accordance with the approved remediation strategy (see preceding condition). No deviation shall be made from this scheme without the express written agreement of the LPA.

Reason: To ensure site remediation is carried out to the agreed protocol and to accord with Local Plan Policy G1.

- 13 On completion of remediation, two copies of a closure report shall be submitted to the LPA. The report shall provide validation and certification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.

Reason: To provide verification that the required remediation has been carried out to the required standards and to accord with Local Plan Policy G1.

- 14 If, during development, contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the LPA.

Reason: To ensure all contamination within the site is dealt with and to accord with Local Plan Policy G1.

- 15 Notwithstanding the requirements of condition 2 above, before any works to the conversion of the warehouse is commenced, full detailed drawings of the proposed internal layout and the proposed external alterations to the building shall be submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved plans.

Reason: To ensure consistency between the submitted details, in the interests of proper planning and for the avoidance of doubt. This condition accords with the objectives of the NPPF (2012).

- 16 There shall be no vehicular access to the site from Whitehorse Lane and vehicular access to the site shall only be off High Street as shown on Proposed site plan SP-210 Rev B (3a/23). Details of the measures to prevent vehicular access to the site via the existing Whitehorse Lane access shall be submitted to and approved in writing before the occupation of any dwelling on this site and the works shall be implemented within timescales to be agreed in writing by the Local Planning Authority. The approved scheme shall be retained in that form.

Reason: In order to reduce traffic generation along Whitehorse Lane, in the interests of residential amenity and highway safety and to accord with the objectives of Local Plan policies G1 and G6.

- 17 Before the occupation of any dwelling on this site, details of the proposed waste management including details of the storage of wheelie bins to serve future residents and an area designated for wheelie bins during collection days shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with timescales to be agreed in writing by the Local Planning Authority.

Reasons: To ensure a satisfactory scheme for waste management is implemented, in the interests of residential amenity and the character of the Boston Conservation Area and to accord with the objectives of Local Plan policy G1

- 18 Before any work to the warehouse is first commenced, a plan drawn at 1:10 scale of the new dormer windows, rooflights and sash windows shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out as approved.

Reason: In order to ensure the design and proportions of the dormer, rooflights and sash windows are appropriate to the appearance of the building and the character of the Boston Conservation Area. This condition accords with the objectives of the NPPF (2012).

- 19 Before block C is first commenced, a plan drawn at 1:10 scale of the new dormer window and sash windows shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out as approved.

Reason: In order to ensure the design and proportions of the dormer and sash windows are appropriate to the appearance of the building and the character of the Boston Conservation Area. This condition accords with the objectives of the NPPF (2012).

- 20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re enactment thereof), no satellite dishes shall be installed on the external elevations of the warehouse building, blocks A, B and C hereby approved without the formal written approval of the Local Planning Authority.

Reason: In order to protect the character of the Boston Conservation Area and to accord with the objectives of Local Plan policy G1 and the NPPF (2012).

- 21 Prior to their installation, full details of the position of all service meter boxes, external lighting and plumbing on the external face of the principal elevations of the warehouse, blocks A, B and C hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The details shall be carried out in accordance with the approved plans.

Reason: No details were submitted as part of the application, in the interests of the visual amenity of the Conservation Area and to accord with Local Plan Policy G1.

In determining this application the authority has taken account of the guidance in paras 186 – 187 of the NPPF (2012) in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.